

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHEL DALLEMAGNE, et al., :  
Plaintiffs, : 19-CV-7934 (JGK) (OTW)  
: **ORDER**  
-against- :  
OMAR KHAN, et al., :  
Defendants. :  
:-----x

**ONA T. WANG, United States Magistrate Judge:**

The above-captioned action is before the undersigned for an inquest on damages.

Plaintiffs claim federal subject matter jurisdiction on the basis of diversity of citizenship, 28 U.S.C. § 1332(a)(2). “A federal court’s lack of subject matter jurisdiction is not waivable by the parties.” *Leveraged Leasing Admin. Corp. v. PacifiCorp Capital, Inc.*, 87 F.3d 44, 47 (2d Cir. 1996).

It is well settled that “a suit by or against United States citizens domiciled abroad may not be premised on diversity.” *Cresswell v. Sullivan & Cromwell*, 922 F.2d 60, 68 (2d Cir. 1990); *see also Banerjee v. Sadis & Goldberg, LLP*, 715 F. App’x 99 (2d Cir. 2018) (Defendant’s domicile in India insufficient to establish diversity jurisdiction if Defendant was, as claimed, a United States citizen). Plaintiffs’ declarations provide no information on their citizenship(s).

By **November 11, 2020**, Plaintiffs must submit declarations stating the citizenship(s) of each Plaintiff that is sufficient to establish subject matter jurisdiction.

**SO ORDERED.**

Dated: November 4, 2020  
New York, New York

*s/ Ona T. Wang*

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**Ona T. Wang**  
United States Magistrate Judge